

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LESLIE BELK, INDIVIDUALLY AND
AS ADMINISTRATOR OF THE
ESTATE OF SAMUEL JACKSON,

Plaintiff,

v.

TIMOTHY J. DZIERZANOWSKI,
MAVERICK TRANSPORTATION
COMPANY, INC., MAVERICK
TRANSPORTATION LLC, JOHN
DOES (1-5), ABC COMPANY,

Defendants.

CIVIL ACTION

FILE NO.: 1:06-cv-1980

DEFENDANTS' RULE 26 DISCLOSURE
OF TRUCKING EXPERT KEVIN GALBREATH

COME NOW Defendants Timothy J. Dzierzanowski, Maverick Transportation Company, Inc., Maverick Transportation LLC, and, pursuant to Rule 26 of the Federal Rules of Civil Procedure, hereby make their supplemental initial disclosures as follows:

Defendants hereby designate the following trucking expert witness to testify on behalf of Defendants at trial:

**Kevin Galbreath
1002 S.Briarcliff Circle
Maryville, TN 37803**

**Mr. Galbreath's expert report and corresponding materials
required by Rule 26(a)(2) of the Federal Rules of Civil
Procedure are attached hereto as Exhibit "A."**

s/STEPHANIE COLLINGS PATEL
Georgia Bar No. 178355
For the Firm
Attorney for Defendants
Timothy J. Dzierzanowski, Maverick
Transportation Company, Inc.,
Maverick Transportation LLC
DENNIS, CORRY, PORTER & SMITH, L.L.P.
3535 Piedmont Road, NE
14 Piedmont Center, Suite 900
Atlanta, Georgia 30305-4611
Telephone:(404) 365-0102
Facsimile: (404) 365-0134
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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2007, I electronically filed DEFENDANTS' RULE 26 DISCLOSURE OF KEVIN GALBREATH with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Mark Link, Esq.
Hertz, Link & Smith, P.C.
2142 Vista Dale Court
Tucker, GA 30084

Michael L. Werner, Esq.
Werner & Associates, L.L.C.
2142 Vista Dale Court
Tucker, GA 30084

s/STEPHANIE COLLINGS PATEL
Georgia Bar No. 178355
For the Firm
Attorney for Defendants
Timothy J. Dzierzanowski,
Maverick Transportation Company, Inc.,
Maverick Transportation LLC

DENNIS, CORRY, PORTER & SMITH, L.L.P.

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THIS IS TO CERTIFY that, pursuant to LR 5.1B, NDGa., the above document was prepared in Times New Roman, 14 pt.

581-9305(RCP)-580

EXHIBIT A



Kevin Galbreath
Transportation Safety Specialist
1002 South Briarcliff Circle
Maryville, TN 37803
865-414-6438 • kesh8657@charter.net

Galbreath
Consulting
Service



August 10, 2007

Dennis, Corry, Porter & Smith, LLP
Attn: Stephanie Collings Patel
3535 Piedmont Road, NE
Atlanta, GA 30305-4611

Regarding: Belk v. Maverick

Dear Ms. Patel:

I have reviewed the material furnished to me which is listed in the attachment "Evidence Reviewed". The following are my opinions in this matter.

1. From my experience, as far as a "regulatory standpoint", motor carriers need to match fuel. They are actually the most common documents used by a Federal Motor Carrier Safety Administration agent when doing compliance reviews. This is usually the first line of defense when trying to verify the accuracy of the logs. If everything matches up well and there are no other indications of any problems, most carriers and even federal agents that I have observed will go on to drivers that have issues.
2. Trying to utilize other documents in an electronic format usually causes false readings when trying to check the accuracy of a driver's log. These have to be used manually which can be extremely time consuming. The object is to find drivers that are running hard. A carrier needs to look for indicators and then work from there.
3. I compared the same documents that Mr. Morgan utilized to show inaccuracies in the logs leading up to the accident. These documents showed the driver only drove 7.25 hours on 11/04. This is reduced some from the DDEC report because it is on Eastern Time versus central time that the driver/company is on. The driver had between an eight and nine hour break the night before on 11/03 and around a three hour break the morning of 11/04. The regulations state that a driver can split sleeper berth into two breaks, one being a minimum of eight hours in the sleeper berth and the other a minimum of two hours in off duty and/or sleeper berth status. This gave the driver a good qualifying break and he was well within the 70 hour rule limits, 14 hour rule limits and of course as stated above, well within the 11 hour rule limits at the time of the accident. It appears that the company gave the driver more than enough time to get adequate rest while delivering the load.
4. Although I stated it above, I want to emphasize that splitting sleeper is an allowed in the regulations. This regulation is in 49CFR Part 395.1(g)(1)(i).

5. Driver managers can only know so much about a driver. Most driver managers have 50 plus drivers on their board. I do not know how many they have at Maverick. To keep up with every single driver's hours is a very difficult thing to do. There may be some electronic information in the driver managers screen that could indicate an approximate amount of driving time, and if the driver manager was able to find the time to look this information up and decipher the information, it would still not give him the complete picture. The driver manager has to rely on the driver when it comes to on duty not driving time.

All opinions are based on my experience working in the motor carrier industry, years of applying the Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, Interpretations/Regulatory Guidances as well as reasonable practices within the industry.

No publications have been authored with the preceding ten years. My Curriculum Vitae is attached.

I trust the above satisfies your request.

Sincerely,



Kevin Galbreath
Transportation Safety Consultant
Galbreath Consulting Service

Evidence Reviewed

MCSC letter to Mr. Mark D. Link, Esq. from Whitney Morgan
Georgia Uniform Motor Vehicle Accident Report and Atlanta Police Department Report
Complaint for Damages
Defendant Maverick Transportation, LLC's Responses to Plaintiff's First Request for Production of Documents
DDEC Reports
Travel Centers of America Priced Work Order
Driver's Records of Duty Status
Maverick Transportation Repair Order Detail Report
Driver Qualification File
Eaton/Vorad Accident Reconstruction Report
Maverick Transportation Driver's Manual
Preliminary Report of DOT Test Results
Bill's of Lading
Deposition of Dean Newell
Deposition of Timothy Dzierzanowski
Deposition of Whitney Morgan

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CURRICULUM VITAE

July 2007

Current Employment

Transportation Safety Consultant

Specialize in motor carrier loss control programs and regulatory compliance issues involving the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations, Title 49, Code of Federal Regulations.

Conduct motor carrier risk assessments by evaluating regulatory compliance, driver turnover, driver training programs, accident trends and other loss control programs. Make recommendations and advise motor carriers pertaining to regulatory compliance, driver hiring procedures, driver training and orientation, driver retention and accident reduction.

Conduct Seminars pertaining to Motor Carrier Safety and Hazardous Materials Regulations, Motor Carrier Profiles, SafeStat, Driver Hiring and Retention, and various driver-training issues.

Previous Employment

Great West Casualty Company, February 1998 until May 2003.

Safety and Loss Control Specialist, Southeast Regional Office

Conducted motor carrier risk assessments by evaluating regulatory compliance, management's commitment to safety, driver turnover, driver training programs, accident trends and other loss control programs. Made recommendations and advised motor carriers pertaining to regulatory compliance, driver hiring procedures, driver training and orientation, driver retention and accident reduction.

Certified instructor for the National Safety Council's Defensive Driving Course for the Professional Truck Driver and for Great West Casualty's Ethics and Techniques for the Professional Truck Driver Course and Great West Casualty's Value Driven Driving Course.

Conducted Seminars pertaining to Motor Carrier Safety and Hazardous Materials Regulations, Motor Carrier Profiles, SafeStat, Driver Hiring and Retention, and various driver-training issues.

Guest speaker for trucking associations in North Carolina, Tennessee, South Carolina, and Georgia, as well as Kiwanis Clubs and Newcomers Clubs and various other associations.

United States Department of Transportation, Federal Highway Administration, Office of Motor Carriers, March 1990 until January 1998.

Division Program Specialist, South Carolina Division, 1997 – 1998

Conducted Safety Compliance Reviews (Audits) of Motor Carriers and Shippers of Hazardous Materials

Conducted Investigations of violations of the Federal Motor Carrier Safety

Regulations and Hazardous Material Regulations.

Submitted Enforcement Cases that resulted in civil penalties.

Trained and developed new Safety Investigators.

Inspected commercial motor vehicles during roadside inspections and compliance reviews.

Responsible for several federal and state programs including the South Carolina State Transport Police State Enforcement Plan, Motor Carrier Safety Assistance Grant, Uniformity Grant pertaining to the implementation of International Fuel Tax Agreement/International Registration Program (IFTA/IRP), One-Stop-Shopping, Automated Vehicle Identification, and Digitalized Licenses, National Governors Association Grant (Uniform Large Vehicle Crash Report). I was also a member of the National Accident Analysis Steering Committee.

Hazardous Materials Specialist, South Carolina Division, 1992 – 1997

Conducted Safety Compliance Reviews (Audits) of Motor Carriers and Shippers of Hazardous Materials.

Conducted Investigations of violations of the Federal Motor Carrier Safety Regulations and Hazardous Material Regulations.

Submitted Enforcement Cases which resulted in civil penalties.

Investigated accidents involving Commercial Motor Vehicles

Conducted seminars on Motor Carrier Safety Regulations and Hazardous Material Regulations

Inspected commercial motor vehicles during roadside inspections and compliance reviews.

Trained and developed new Safety Investigators.

Trained and developed the South Carolina State Transport Police Commercial Vehicle Enforcement Unit and Hazardous Materials Unit.

Member of the USDOT Hazardous Waste and Substance Technical Advisory Group

Completed assignment to the San Francisco Regional Office as the Acting Federal Hazardous Materials Program Manager.

Safety Investigator/Specialist, Florida Division, 1990 -- 1992

Conducted Safety Compliance Reviews (Audits) of Motor Carriers and Shippers of Hazardous Materials

Conducted Investigations of violations of the Federal Motor Carrier Safety

Regulations and Hazardous Material Regulations.

Submitted Enforcement Cases which resulted in civil penalties.

Trained and developed new Safety Investigators.

Inspected commercial motor vehicles during roadside inspections and compliance reviews.

Education

The University of Tennessee, Knoxville, 1986, BFA

Training

Motor Carrier Safety Training Academy, Transportation Safety Institute (TSI), Oklahoma City, OK -- 6 weeks

Regulatory Compliance Areas Covered:

Hours of Service

Driver Qualifications

Vehicle Inspections

Vehicle Maintenance and Repair

Transportation and Shipment of Hazardous Materials

Financial Responsibility

Other Transportation Safety Institute (TSI) Courses

Controlled Substances Testing (24 hours)

Hazardous Materials Enforcement and Compliance Course (40 hours)

Specialized Hazardous Materials -- Cargo Tank Test and Inspection

Facilities (32 hours)

Specialized Hazardous Materials -- Performance Oriented Packaging,

HM-181 (16 hours)

Specialized Hazardous Materials -- Hazardous Waste and Substance (40 hours)

Specialized Hazardous Materials – Hazardous Waste and Substance (32 hours)

Specialized Hazardous Materials – Radioactive Materials (32 hours)

Intermodal Transportation of Hazardous Materials (24 hours)

Motor Carrier Safety Enforcement Procedures (40 hours)

Hazardous Materials Awareness (OSHA) (4 hours)

Enforcement Procedures Course (40 hours)

United States Coast Guard Container Inspection Program Training (32 hours)

Motor Carrier Safety Assistance Program (MCSAP) Grants Management

**Office of Motor Carriers Coaches Workshop (Investigator Train the
Trainer Course) (16 hours)**

Commercial Vehicle Drug Interdiction Techniques (40 hours)

Basic Hazardous Materials (28 hours)

Other Transportation Safety Related Courses

**Specialized Hazardous Materials – Explosives (OMC National Training
Center) (32 hours)**

**Advanced Waste (Transportation Management Division, US Department
of Energy) (40 hours)**

Motor Carrier Size and Weight (SC Criminal Justice Academy) (40 hours)

**Specialized Hazardous Materials – First Response (SC Criminal Justice
Academy) (16 hours)**

Basic Environmental Law Enforcement (SC Office of Attorney General)

OSHA Standards (Great West Casualty Company)

Accident Investigations

Accident Countermeasures

Investigation Techniques (Federal Law Enforcement Training Center)

Court Testimony Given Within Last Four Years

None

Depositions Given Within Last Four Years

Coy Stephen Lyons v. Potlatch Corporation

Circuit Court of Desha County, Arkansas

Authorized Publications Within Last 10 Years

None

FEE SCHEDULE

Expert Witness	\$175.00 per hour plus expenses (\$2000 advance)
Deposition Fee	\$200.00 per hour plus expenses (6 hour minimum)

(Expenses include travel time, lodging, transportation, etc.)